

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7603

Petition of Village of Lyndonville Electric)
Department for a certificate of public good)
pursuant to 30 V.S.A. § 248(j) authorizing the)
reconductoring of 3 miles of 34.5 kV transmission)
line in Lyndon, Vermont)

Order entered: 6/4/2010

I. INTRODUCTION

This case involves a petition filed on July 15, 2009, by the Village of Lyndonville Electric Department ("LED") requesting a certificate of public good ("CPG") under 30 V.S.A. § 248(j) authorizing the reconductoring of approximately three miles of 34.5 kV transmission line in Lyndon, Vermont (the "Project"). LED has submitted prefiled testimony and proposed findings pursuant to the requirements of 30 V.S.A. § 248(j).

On August 6, 2009, the Clerk of the Vermont Public Service Board ("Board") issued a memorandum stating that because the Project was contingent on approval of a related substation construction project, review of the petition would not commence until the substation project was reviewed by the Board. On March 11, 2010, in Docket No. 7562, the Board issued an Order approving construction of the substation project.

Notice of the filing was sent on March 22, 2010, to all entities specified in 30 V.S.A. § 248(a)(4)(c) and all other interested parties. The notice stated that any party wishing to submit comments as to whether the petition raises a significant issue with respect to the substantive criteria of 30 V.S.A. § 248 needed to file comments with the Board on or before April 21, 2010. A similar notice of the filing was published in the *Caledonian Record* on March 24, 2010, and March 31, 2010.

On April 22, 2010, the Vermont Department of Public Service ("Department") filed a letter with the Board stating that it has no objection to issuance of a CPG for the Project without further investigation or hearing. In addition, the Department filed a determination pursuant to 30 V.S.A. § 202(f) that the Project is consistent with the *Vermont Twenty-Year Electric Plan*.

On May 3, 2010, LED filed a letter with the Board stating that, after discussions with the Agency of Natural Resources ("ANR"), they have agreed to a condition regarding wetland protection being added to the CPG. Further, LED represents that, with the inclusion of this condition, ANR does not believe that the Project raises a significant issue with respect to the substantive criteria of § 248.

No other comments have been filed with the Board.

The Board has determined that the proposed construction will be of limited size and scope and that the petition has effectively addressed the issues raised with respect to the substantive criteria of 30 V.S.A. § 248. Consequently, we find that the procedures authorized by Section 248(j) are sufficient to satisfy the public interest, and no hearings are required.

II. FINDINGS

1. LED is a duly organized municipal electric utility with offices at 119 Park Street in Lyndonville, Vermont. Petition at 1.
2. The Project will involve the replacement of approximately 3 miles of existing 4/0 Aluminum Conductor Steel Reinforced ("ACSR") conductors with 477 ACSR conductors between LED's Village No. 2 substation and the St. Johnsbury town line. Mason pf. at 3-4.
3. The Project will reuse all of the existing utility poles and will not require additional poles or expansion of the existing 50-foot right-of-way. Mason pf. at 3-4.
4. The reconductoring will be done in connection with construction of a new Lyndonville substation and allow the work to be done while the line is already de-energized, which will, in turn, result in lower costs and increased worker safety. Mason pf. at 7.
5. The estimated Project cost is \$200,286. Mason pf. at 8.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

6. The Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. This finding is supported by findings 7 through 9, below.

7. The work associated with the Project will take place entirely within an existing utility right-of-way and will consist of placing new conductors on an existing transmission line. Mason pf. at 3.

8. The Lyndon Town Plan's energy section includes goals of maintaining adequate energy at reasonable costs and encouraging planning for future growth. The Northeastern Vermont Development Association regional plan includes goals of providing adequate energy supply and limiting the negative aesthetic impacts of generation and distribution facilities. The Project, which is designed to increase system reliability and will be located in an existing utility corridor, is consistent with these goals. Mason pf. at 10.

9. The Town of Lyndon Planning Commission, the Lyndon Selectboard, Lyndonville's Trustees, and the Northeastern Vermont Development Association have all waived the 45-day advance notice requirement associated with the Project. Mason pf. at 10; exh. Mason-LED-7.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

10. The Project is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and load management measures. This finding is supported by findings 11 and 12, below.

11. The Project will allow the proposed Lyndonville substation to provide a backup source of power and carry the entire power load from the Higgins Hill substation in the event that substation is out of service. Mason pf. at 5-6.

12. The Project, as designed, is the most cost-effective means of addressing present and future demand for service. Mason pf. at 8; exh. Mason-LED-5.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

13. The proposed Project will improve system stability and reliability. Jones pf. at 4.

14. The existing nine-mile-long transmission line is subject to interruptions and is not readily accessible to identify problems or make repairs. The reconductoring, in conjunction with the construction of the new Lyndonville substation, will greatly alleviate the existing system reliability and stability problems. Jones pf. at 3; Johnson pf. at 3.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

15. The Project offers economic benefits to the state and its residents through improved system reliability. Mason pf. at 11.

**Aesthetics, Historic Sites, Air and Water Purity,
the Natural Environment and Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

16. The Project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and public health and safety. This finding is supported by findings 17 through 38 below, which are the criteria specified in 10 V.S.A. §§ 1424(a)(d) and 6086(a)(1)-(8)(a) and (9)(k).

Outstanding Resource Waters

[10 V.S.A. § 1424(a)(d)]

17. The Project is not located on or near any outstanding resource waters. Mason pf. at 12; exh. Mason-LED-10 at 6.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)]

18. The Project will not result in undue water or air pollution. This finding is supported by finding 19 below.

19. Project construction does not involve any earth disturbance. Mason pf. at 4.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

20. The Project will not have an undue adverse impact on headwaters. All construction will take place within an existing right-of-way and will not involve road construction or other soil disturbance. Exh. Mason-LED-10 at 6-7.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

21. The Project does not involve disposal of wastes or injection of any material into surface or ground water. Exh. Mason-LED-10 at 7.

22. The Project will meet all applicable health and environmental conservation department regulations regarding waste disposal. *Id.*

Water Conservation

[10 V.S.A. § 6086(a)(1)(C)]

23. The Project does not involve the use of water. Mason pf. at 14; exh. Mason-LED-10 at 8.

Floodways, Streams, and Shorelines

[10 V.S.A. §§ 6086(a)(1)(D)(E) &(F)]

24. The Project is not located within a floodway or on a shoreline. Mason pf. at 14-15; exh. Mason-LED-10 at 8-9.

25. The Project crosses several streams. The Project involves the replacement of conductors within an existing cleared right-of-way and will not involve any soil disturbance. Therefore,

streams will not be adversely impacted by the Project construction. Mason pf. at 14-15; exh. Mason-LED-10 at 8-9.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

26. There are three significant (Class 2) wetlands within or adjacent to the existing transmission line right-of-way. Because the Project does not involve soil disturbance, road construction, or clearing outside the existing right-of-way, the Project will not have an undue adverse impact on these wetlands. Exh. Mason-LED-10 at 9-10.

27. In order to minimize any wetland crossing associated with project construction, LED will first investigate using alternate routes across adjoining properties. In cases where alternate routes are not feasible, LED will use rubber swamp mats, approximately 16 feet wide by 4 feet long, within the right-of-way. The mats will be placed sequentially beginning at the edge of the wetland and will be left in place for no more than four weeks. Any soil disturbance associated with the mat placement will be mulched with weed-free straw upon removal of the mats. *See* letter from LED dated May 3, 2010, at 1.

Sufficiency of Water and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(2)&(3)]

28. The Project does not require the use of water. Exh. Mason-LED-10 at 10.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

29. Construction of the Project will occur within an existing cleared right-of-way and will not involve earth disturbance or impact soil erosion. Exh. Mason-LED-10 at 11.

Transportation Systems

[10 V.S.A. § 6086(a)(5)]

30. The Project will not cause unreasonable congestion or unsafe conditions with respect to transportation systems. The Project crosses four roads. However, there will be no impact on road traffic as a result of Project construction. Mason pf. at 16.

Educational Services

[10 V.S.A. § 6086(a)(6)]

31. The Project will have no impact on educational services. Mason pf. at 16-17.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

32. The Project will not require any additional municipal or governmental services. Mason pf. at 16-17.

**Aesthetics, Historic Sites
and Rare and Irreplaceable Natural Areas**

[10 V.S.A. § 6086(a)(8)]

33. The Project would not have an undue adverse impact on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas. This finding is supported by findings 34 through 36, below.

34. The Project is in context with existing conditions and involves no appreciable change that the average person would observe. Therefore the Project will not have adverse aesthetic impacts. Exh. Mason-LED-8.

35. The Vermont Division for Historic Preservation has reviewed the Project and stated that it had no concerns regarding the Project. Mason pf. at 11-12; exh. Mason-LED-9.

36. There are no known rare or irreplaceable natural areas in the Project area. Exh. Mason-LED-10 at 11.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

37. The Project will not destroy or significantly imperil necessary wildlife habitat or any endangered species. There is no necessary wildlife habitat or evidence of any endangered species within the Project area. Exh. Mason-LED-10 at 11.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

38. Reconductoring the existing transmission line will not impact any public resources. Therefore, the Project will not unnecessarily or unreasonably interfere with or endanger the public investment in government or public facilities. Mason pf. at 18.

Least-Cost Integrated Resource Plan

[30 V.S.A. § 248(b)(6)]

39. The Project will increase system reliability and result in greater line efficiencies for LED and its customers. Therefore, it is consistent with the principles for integrated resource selection pursuant to 30 V.S.A. § 218c. Mason pf. at 18-19.

Compliance with Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

40. LED's filed Integrated Resource Plan ("IRP") does not include a transmission and distribution section. Because LED does not have a recent approved IRP, it must demonstrate that the Project complies with principles of integrated resource planning as defined in 30 V.S.A. § 218c. The Project is consistent with those principles because it will result in increased efficiency and reliability of LED's system. Mason pf. at 19.

41. The Department filed a determination, in a letter filed April 22, 2010, that the proposed project is consistent with the Vermont Twenty-Year Electric Plan, in accordance with 30 V.S.A. § 202(f). *See* Department letter filed April 22, 2010.

Outstanding Resource Waters

[30 V.S.A. § 248(b)(8)]

42. The Project is not located near any outstanding resource waters. Mason pf. at 12; exh. Mason-LED-10 at 6.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

43. The Project can be economically served by existing transmission facilities without any adverse impacts on Vermont utilities or customers. Mason pf. at 20.

44. The Project will not involve any change in the operation of the LED system. *Id.*

III. CONCLUSION

Based upon all of the above evidence, we conclude that the proposed reconductoring of 3 miles of 34.5 kV transmission line in Lyndon, Vermont, will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and the proposed project will promote the general good of the state.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the proposed project, in accordance with the evidence and plans presented in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. Section 248, and a certificate of public good shall be issued in the matter, subject to the following conditions:

1. The Project shall be constructed in accordance with the evidence and plans submitted in this proceeding. Any material deviation from these plans or specifications must be approved by the Board.

2. In order to minimize any wetland crossing associated with project construction, LED shall first investigate using alternate routes across adjoining properties. In cases where alternate routes are not feasible, LED shall use rubber swamp mats, approximately 16 feet wide by 4 feet long, within the right-of-way. The mats shall be placed sequentially beginning at the edge of the wetland and shall be left in place for no more than four weeks. Any soil disturbance associated with the mat placement shall be mulched with weed-free straw upon removal of the mats.

Dated at Montpelier, Vermont this 4th day of June, 2010.

<u>s/ James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/ David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/ John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: June 4, 2010

ATTEST: s/ Susan M. Hudson
Clerk of the Board

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.